

Notice of Allowability

Application No.

10/724,076

Examiner

Kambiz Abdi

Applicant(s)

WANG ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to February 9, 2005.
2. ☒ The allowed claim(s) is/are 50-76, 78-91, and 94-101.
3. ☒ The drawings filed on 01 December 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 10/26/2004
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

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DETAILED ACTION

1. Prior office actions are incorporated in this office action by reference. Applicant has filed an Amendment After None Final Rejection on 5 February 2005, which has been entered.

- Claims 1-49, 77, and 93-94 have been canceled.
- New claims 50-76, 78-92, and 95-101 have been added.
- Claims 50, 71, and 76 have been amended.
- Claims 50-76, 78-92, and 95-101 have been allowed.

Examiner's Amendment

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in an interview with attorney Carlos R. Villamar and Bijan Tadayoun on 15 May 2005.

The examiner under agreement by the attorney representing the applicant has amended independent claims 50, 71, and 76 in addition to canceling claims 77 and 93-94.

The claims in the application has been amended as follow:

1-49. (Cancelled)

50. (Currently amended) A method for enforcing a property right within a system for controlling a manner of use of an item in accordance with usage rights, the method comprising:

obtaining an enforceable property right for a specific item, including obtaining an electronic item ticket specifying the specific item as an item for which the electronic item ticket is redeemed, the electronic item ticket having a security mechanism incorporated therein, and

obtaining a digital license associated with the electronic item ticket, the digital license including usage rights specifying a manner of use for redeeming the electronic item ticket and conditions for exercising the manner of use;

electronically parsing the digital license for usage rights and conditions;

determining if the conditions are satisfied;

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if the conditions are satisfied, rendering or accessing the electronic item ticket through the digital license by unlocking the security mechanism of the electronic item ticket, and if the conditions are not satisfied, not allowing rendering or accessing of the electronic item ticket; and

controlling the manner of use of the specific item by controlling the manner of use for redeeming the electronic item ticket in accordance with the determined usage rights,

wherein the digital license includes post-license conditions that do not need to be satisfied for unlocking the security mechanism, and

the method further comprises permitting a specification of the item and the post-license conditions to be rendered or accessed,

wherein the digital license includes state variables.

51. (Previously presented) The method as recited in claim 50, wherein the electronic item ticket includes a description of the item.

52. (Previously presented) The method as recited in claim 50, wherein the electronic item ticket includes an ID correlated to the item.

53. (Previously presented) The method as recited in claim 50, wherein the electronic item ticket includes limitations specified by the digital license.

54. (Previously presented) The method as recited in claim 53, wherein the limitations are expressed as conditions.

55. (Previously presented) The method as recited in claim 50, wherein the security mechanism is encryption and the unlocking step comprises executing a decryption algorithm.

56. (Previously presented) The method as recited in claim 50, wherein the item includes goods.

57. (Previously presented) The method as recited in claim 50, wherein the item includes services.

58. (Previously presented) The method as recited in claim 50, wherein the digital license includes a specification of a corresponding electronic item ticket.

59. (Previously presented) The method as recited in claim 50, wherein the item is information.

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60. (Previously presented) The method as recited in claim 59, wherein the digital license further comprises usage rights specifying access to the information and conditions of the access.

61. (Previously presented) The method as recited in claim 60, wherein the conditions include a security or trust rating, and the determining step comprises determining if a user's rating corresponds to the trust rating.

62. (Previously presented) The method as recited in claim 50, wherein the item is an online service.

63. (Previously presented) The method as recited in claim 62, wherein the digital license further comprises usage rights specifying access to the online service and conditions of the access.

64. (Previously presented) The method as recited in claim 63, wherein the conditions include a security or trust rating, and the determining step comprises determining if a user's rating corresponds to the trust rating.

65. (Previously presented) The method as recited in claim 50, wherein the usage rights include meta-rights which permit rights in the item to be granted to downstream parties and further comprising the steps of deriving rights from the meta-rights and generating a digital license including the derived rights.

66. (Previously presented) The method as recited in claim 50, wherein the item is a financial instrument.

67. (Previously presented) The method as recited in claim 50, wherein the item is a legal document.

68. (Previously presented) The method as recited in claim 50, wherein the item is real estate.

69. (Previously presented) The method as recited in claim 50, wherein the item is a tangible item comprising tangible goods or services, including a printed book, music on a physical media, an airline ticket, a car rental, or an event.

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70. (Previously presented) The method as recited in claim 50, wherein the item is an intangible item, comprising intangible goods or services, including an electronic book, or electronic music.

71. (Previously presented) A system for enforcing property rights in items by controlling use of the items in accordance with usage rights, the system comprising:

a license device operative to associate a digital license with an electronic item ticket, the electronic item ticket specifying an item for which the electronic item ticket is redeemed and having a security mechanism incorporated therein, the digital license including usage rights specifying a manner of use for redeeming the electronic item ticket and conditions for exercising the manner of use; and

a client environment operative to obtain the electronic item ticket and the digital license and to control the manner of use of the item by including a security component operative to determine usage rights and conditions from the digital license, unlock the security mechanism of the electronic item ticket when the conditions are satisfied and not unlock the security mechanism of the electronic item ticket when the conditions are not satisfied, and enforce the usage rights of the digital license for the item for which the electronic item ticket is redeemed,

wherein the digital license further includes condition that must be satisfied to activate the unlocking of the security mechanism,

the digital license includes post-license conditions that do not need to be satisfied for unlocking of the security mechanism,

the security component permits a specification of the item and the post-license conditions to be rendered or accessed, and

the digital license includes state variables.

72. (Previously presented) The system as recited in claim 71, further comprising an activation device for providing at least a portion of the security component of the client environment, wherein the security component is included in a user device.

73. (Previously presented) The system as recited in claim 72, further comprising a vendor device for permitting a user to select an item and usage rights to be incorporated into the digital license generated by the license device.

74. (Previously presented) The system as recited in claim 71, wherein the item is a tangible item comprising tangible goods or services, including a printed book, music on a physical media, an airline ticket, a car rental, or an event.

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75. (Previously presented) The system as recited in claim 71, wherein the item is an intangible item, comprising intangible goods or services, including an electronic book, or electronic music.

76. (Currently amended) A computer readable medium including one or more computer readable instructions embedded therein for enforcing an enforceable property right for use within the system for controlling the manner of use of an item in accordance with usage rights, and configured to cause one or more processors to perform the steps of:

specifying via an electronic item ticket a specific item as an item for which the electronic item ticket is redeemed, the electronic item ticket having a security mechanism incorporated therein; and

associating a digital license with the electronic item ticket, the digital license including usage rights specifying a manner of use for redeeming the electronic item ticket and means for unlocking the security mechanism, whereby the electronic item ticket is rendered or accessed through the unlocking means of the digital license, if the conditions are satisfied, and whereby the electronic item ticket is not allowed to be rendered or accessed, if the conditions are not satisfied,

wherein the manner of use of the specific item is controlled by controlling the manner of use for redeeming the electronic item ticket in accordance with the determined usage rights,

wherein the digital license further includes condition that must be satisfied to activate the means for unlocking,

the digital license includes post-license conditions that do not need to be satisfied to activate the security mechanism,

the unlocking mechanism permits a specification of the item and the post-license conditions to be rendered or accessed, and

the digital license includes state variables.

77. (Cancelled)

78. (Previously presented) The computer readable medium as recited in claim 76, wherein the electronic item ticket includes a description for the item.

79. (Previously presented) The computer readable medium as recited in claim 76, wherein the electronic item ticket includes an ID correlated to the item.

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80. (Previously presented) The computer readable medium as recited in claim 76, wherein the electronic item ticket includes limitations specified by the digital license.

81. (Currently amended) The computer readable medium ~~[[t]]~~ as recited in claim 76, wherein the limitations are expressed as conditions.

82. (Previously presented) The computer readable medium as recited in claim 76, wherein the security mechanism is encryption.

83. (Previously presented) The computer readable medium as recited in claim 76, wherein the item includes goods.

84. (Previously presented) The computer readable medium as recited in claim 76, wherein the item includes services.

85. (Previously presented) The computer readable medium as recited in claim 76, wherein the digital license includes a specification of a corresponding electronic item ticket.

86. (Previously presented) The computer readable medium as recited in claim 76, wherein the item is information.

87. (Previously presented) The computer readable medium as recited in claim 86, wherein the digital license further comprises usage rights specifying access to the information and conditions of the access.

88. (Previously presented) The computer readable medium as recited in claim 87, wherein the conditions include a security or trust rating.

89. (Previously presented) The computer readable medium as recited in claim 76, wherein the item is an online service.

90. (Previously presented) The computer readable medium as recited in claim 89, wherein the digital license further comprises usage rights specifying access to the online service and conditions of the access.

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91. (Previously presented) The computer readable medium as recited in claim 90, wherein the conditions include a security or trust rating.

92-93. (Cancelled)

94. (Previously presented) The computer readable medium as recited in claim 76, wherein the unlocking mechanism is operative to permit the item .ticket to be rendered as a human readable description.

95. (Previously presented) The computer readable medium as recited in claim 76, wherein the unlocking mechanism is operative to permit the electronic item ticket to be rendered as a computer readable code.

96. (Previously presented) The computer readable medium as recited in claim 76, wherein the usage rights include meta-rights which permit rights in the item to be granted to downstream parties.

97. (Previously presented) The computer readable medium as recited in claim 76, wherein the item is a financial instrument.

98. (Previously presented) The computer readable medium as recited in claim 76, wherein the item is a legal document.

99. (Previously presented) The computer readable medium as recited in a claim 76, wherein the item is real estate.

100. (Previously presented) The computer readable medium as recited in a claim 76, wherein the item is a tangible item comprising tangible goods or services, including a printed book, music on a physical media, an airline ticket, a car rental, or an event.

101. (Previously presented) The computer readable medium as recited in a claim 76, wherein the item is an intangible item, comprising intangible goods or services, including an electronic book, or electronic music.

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Allowable Subject Matter

3. Claims 50-76, 78-92, and 95-101 are allowed over the prior art of record.

4. The following is an examiner's statement of reason for allowance:

The closest prior art of record is U.S. Patent No. 5,311,591 to Addison M. Fischer and that of U.S. Patent No. 5,794,207 to Jay S. Walker. Fischer principally is concern with the control over usage of protected data or program items within a computer system. Walker is concern with presenting a market place with multiple use, which defines a customer driven or buyer driven market place.

The general states of all of the mentioned prior arts of records disclose method and system to track and bill usage of digital products.

5. In regards to independent claims 50, 71, and 76, the closest prior art of record when taken either individually or in combination with other prior art of record fails to teach or suggest the step of; relating the digital license with the electronic item ticket, which the license dictates the manner of use in accordance with fulfilling certain conditions to be able to unlock the electronic item ticket in order to exercise the right to access the electronic item, as it is defined below in the specifics of the claims;

"associating a digital license with the electronic item ticket, the digital license including usage rights specifying a manner of use for redeeming the electronic item ticket and means for unlocking the security mechanism, whereby the electronic item ticket is rendered or accessed through the unlocking means of the digital license, if the conditions are satisfied, and whereby the electronic item ticket is not allowed to be rendered or accessed, if the conditions are not satisfied,

wherein the manner of use of the specific item is controlled by controlling the manner of use for redeeming the electronic item ticket in accordance with the determined usage rights,

wherein the digital license further includes condition that must be satisfied to activate the means for unlocking,

the digital license includes post-license conditions that do not need to be satisfied to activate the security mechanism,

the unlocking mechanism permits a specification of the item and the post-license conditions to be rendered or accessed, and

the digital license includes state variables."

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6. Access or rendering of the specific item is clearly based on meeting the conditions set by the electronic license, which is associated with the electronic item ticket. As well as there are condition in the license that do not need to be satisfied to unlock the electronic ticket item as well as the license does contain certain state variables. Claims 51-70 are dependent upon claim 50, claims 72-75 are dependent upon claim 71, and claim 78-91 and 94-101 are dependent on claim 76, thus they all have the limitations of independent claims 50, 71, and 76, therefore, they are allowable for that same reason stated above.

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Conclusion

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the examiner should be directed to **Kambiz Abdi** whose telephone number is **(571) 272-6702**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **James Trammell** can be reached at **(571) 272-6712**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see

<http://portal.uspto.gov/external/portal/pair>

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks
Washington, D.C. 20231**

or faxed to:

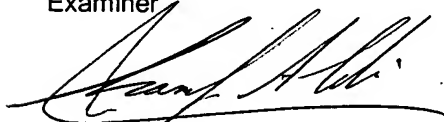
(703) 305-7687 [Official communications; including After Final communications labeled "Box AF"]

(703) 308-1396 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

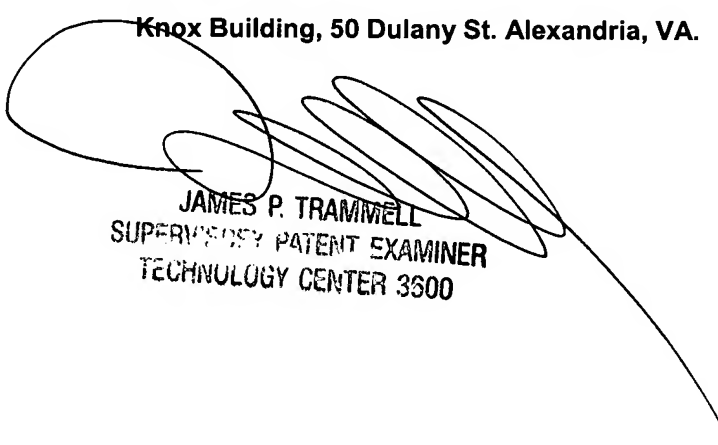
Hand delivered responses should be brought to the Examiner in the

Knox Building, 50 Dulany St. Alexandria, VA.

**Kambiz Abdi
Examiner**



May 16, 2005



**JAMES P. TRAMMELL
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